

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY,

Plaintiff,

v.

ADP MARSHALL, INC., a FLUOR DANIEL  
COMPANY, and FIREMAN'S FUND  
INSURANCE COMPANY,

Defendants.

CIVIL ACTION NO. 04 CV 10203 PBS

ADP MARSHALL, INC.,

Third Party Plaintiff,

v.

ALLIED CONSULTING ENGINEERING  
SERVICES, INC., et al.,

Third Party Defendants.

**JOINT MOTION TO EXTEND THE TIME IN WHICH THE  
THIRD PARTY DEFENDANT, UNITED STATES FIDELITY AND GUARANTY  
COMPANY, MAY FILE ITS OPPOSITION TO ADP MARSHALL, INC.'S  
MOTION FOR SUMMARY JUDGMENT**

The third party defendant, United States Fidelity and Guaranty Company ("USF&G"), and the third party plaintiff, ADP Marshall, Inc. ("ADP"), hereby jointly move this Honorable Court to extend the time within which USF&G is to file its Opposition to ADP's Motion for Summary Judgment on its Third Party Complaint Against USF&G from February 4, 2005 to March 31, 2005. As grounds for this Joint Motion, the parties state as follows:

1. The parties state that they are continuing in good faith to attempt to settle their dispute concerning the roofing issues on the Project which, if successful, will alleviate the need for USF&G to respond to the Motion. The parties' consultants have met, exchanged information and are attempting to narrow the issues in dispute concerning the roof.

2. Because of winter conditions and the recent amount of snowfall, however, the parties' consultants have been unable to fully examine, obtain cost estimates, and come to an agreement concerning certain roofing issues. Additionally, resolution of the roofing issues involves having a representative of the roofing manufacturer inspect the roof concerning warranty issues, which the parties have been unable to schedule due to the presence of snow.

3. Additionally, the parties respectfully request that the hearing on the motion for summary judgment, which is currently scheduled for February 16, 2005, be continued until a date after March 31, 2005.

4. The requested extension of time will not unfairly prejudice any party and is in the interest of judicial economy.

WHEREFORE, the third party defendant, United States Fidelity and Guaranty Company and the third party plaintiff, ADP Marshall, Inc., jointly request that the Court extend the time within which USF&G is to file its Opposition to ADP's Motion for Summary Judgment Against USF&G to March 31, 2005.

Respectfully submitted,

**UNITED STATES FIDELITY AND  
GUARANTY COMPANY,**

By its attorneys,

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**ADP MARSHALL, INC.,**

By its attorneys,

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